

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

DATE 4/18/2023

DISTRICT JUDGE
Amos L. Mazzant, III

COURT REPORTER: Chris Bickham
COURTROOM DEPUTY: Keary Conrad

UNITED STATES OF AMERICA

V.

CASE NUMBER 4:20CR212

DEBRA MERCER-ERWIN (1)

ATTORNEY FOR GOVERNMENT	ATTORNEY FOR DEFENDANT
Ernest Gonzalez, Heather Rattan and Lesley Brooks, AUSA	Matthew Cyran, Joe White, Kate White

On this day, came the parties by their attorneys and the following proceedings were held in Sherman, TX:

TIME:	MINUTES: Jury Trial – Day 5
8:52 a.m.	Court in session. Court notes appearance of counsel.
8:52 a.m.	Government AUSA Heather Rattan addresses issue with Casey Sullivan regarding SAR report. Court hears response from Defendant's counsel, Joe White. Defendant's counsel continues with objection to prejudice and lack of notice and knowledge of this witness. Government AUSA mentions two cases that cover the issue and will provide to the Court and to Defendant's counsel.
8:54 a.m.	Jury seated.
8:56 a.m.	Government AUSA Heather Rattan continues direct examination of IRS Special Agent, Sonia Hurtado.
9:10 a.m.	Government AUSA Heather Rattan offers Government Exhibit 116A as a summary exhibit and 116B as demonstrative only. Defendant's counsel objects to 116A as not a proper summary exhibit and no objection to 116B as demonstrative only.
9:10 a.m.	Bench conference.
9:11 a.m.	Objection overruled. Government Exhibit 116A and 116B are admitted.
9:13 a.m.	Government AUSA Heather Rattan continues direct examination of IRS Special Agent, Sonia Hurtado.
10:23 a.m.	Pass the witness. Jury excused for morning break.
10:24 a.m.	Defendant's counsel, Joe White requests hard copies for cross exam of this witness so that we can get in our system 116A and 116B.
10:24 a.m.	Jury excused. Court recess for break.
10:42 a.m.	Court re-convened. Jury seated.
10:44 a.m.	Defendant's counsel, Joe White begins cross examination of IRS Special Agent, Sonia Hurtado.
12:02 p.m.	Jury excused for lunch.

12:02 p.m.	Bench conference.
12:06 p.m.	Court recess for lunch.
1:17 p.m.	Court re-convened. Jury seated. Defendant's counsel, Joe White continues cross examination of IRS Special Agent, Sonia Hurtado.
3:13 p.m.	Jury excused.
3:13 p.m.	Court notes <i>in camera</i> review of the SAR and advises that the Court agrees with the Government that the SAR is not subject to being produced under the law. However, the Court will require the government to provide in writing the impeachment areas of the evidence that could be for purposes of impeachment, but advises the defense that it can only be used if the witness says something different. Court instructs that it is not evidence to be used for other purposes only if the <u>impeachment issue</u> actually arises.
	Court advises the Parties that due to the pace, the Court is adjusting hours to 8:30 – 5:00 and lunch will only be 1 hour.
3:15 p.m.	Court recess for 15 minutes.
3:30 p.m.	Court re-convened. Jury seated.
3:31 p.m.	Defendant's counsel, Joe White continues cross examination of IRS Special Agent, Sonia Hurtado.
3:38 p.m.	Defendant's counsel, Joe White moves for the admission of Federico Machado's Bank records Defendant's Exhibit 202. Government objects to authenticity. After further review, the Government does not object. Defendant's Exhibit 202 is admitted.
3:43 p.m.	Pass the witness.
3:44 p.m.	Government AUSA Heather Rattan calls Casey Sullivan. Witness placed under oath.
3:44 p.m.	Bench conference.
3:47 p.m.	Government AUSA Heather Rattan begins direct examination of witness, Casey Sullivan.
4:08 p.m.	Bench conference.
4:11 p.m.	Court instructs the jury regarding statements by alleged co-conspirators and the jury's consideration of those statements.
4:11 p.m.	Government AUSA Heather Rattan continues direct examination of witness, Casey Sullivan.
4:29 p.m.	Bench conference.
4:31 p.m.	Government AUSA Heather Rattan continues direct examination of witness, Casey Sullivan.
4:33 p.m.	Government AUSA Heather Rattan offers Government Exhibit 7B. No objection. Government Exhibits 7B is admitted.
4:48 p.m.	Pass the witness. Defendant's counsel, Joe White begins cross examination of witness, Casey Sullivan.
5:00 p.m.	Jury excused.
5:00 p.m.	Government brings up issue of SAR. Court hears response from Defendant's counsel. Parties discuss protective order. Court orders the document produced subject to the protective order and orders that the hard copy provided to defense be returned to the Government. Court will make SAR part of the record, under seal.
5:02 p.m.	Court addresses the issue of the daughter and notes that it reviewed the testimony and whether Defendant opened the door and the Court does not believe the door was opened.

5:03 p.m.	Court adjourned.
	Govt Exhibits Admitted: 116A, 7B Deft Exhibits Admitted: 202 Demonstrative Only Exhibits: 116B

DAVID O'TOOLE, CLERK

BY: Keary Conrad

Courtroom Deputy Clerk